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Attorneys for Defendant Magma Holding Inc.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

CUITING WEI, an Individual,

Plaintiff,

vs.

MAGMA HOLDING INC., a domestic
corporation; DOES 1 through X: and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: 2:23-cv-00567-JCM-BNW

**JOINT STIPULATION AND ORDER
REGARDING DEFENDANT'S MOTION
TO COMPEL ARBITRATION AND
STAY OF PROCEEDINGS PENDING
DECISION ON ECF NO. 7**

Plaintiff Cuiting Wei ("Plaintiff") and Defendant Magma Holding Inc. ("Defendant" or "Magma") (collectively referred to as the "Parties"), by and through their respective undersigned counsel of record, hereby stipulate and agree as follows: on June 16, 2023, Defendant filed its Motion to Compel Arbitration and Stay Proceedings Pending Arbitration ("MTC"). (ECF No. 7.) On that same date, the Court issued an Order Scheduling Early Neutral Evaluation ("ENE") Session, setting the ENE conference for July 27, 2023, at 10:00 a.m. (ECF No. 9.) The parties will participate in the ENE conference as scheduled with the understanding and agreement that Defendant's participation does not constitute a waiver of its position on the MTC. Plaintiff agrees that she will

not object to Defendant's MTC on the basis that by participating in the ENE, Defendant has acted inconsistently with, or has waived its right to pursue, arbitration.

Further, the parties agree to extend the briefing schedule on the MTC. Plaintiff's response is currently due June 30, 2023, and Defendant's reply July 7, 2023. The parties agree to extend the briefing schedule as follows: if the ENE conference is not successful in resolving the matter, Plaintiff's response to the MTC will be due one week following the ENE conference, up to and including **August 3, 2023**, and Defendant's Reply will be due by **August 10, 2023**.

Further, the parties agree to stay other proceedings unrelated to the ENE and the briefing of the MTC pending a decision on Defendant's MTC. In the event that Defendant's MTC is denied, the parties agree to submit a Joint Proposed Discovery Plan and Scheduling Order within seven (7) days after the order is issued on ECF No. 7.

This Stipulation is made in good faith and is not intended for purposes of delay.

IT IS SO STIPULATED.

DATED this 26th day of June, 2023.

MAIER GUTIERREZ & ASSOCIATES

/s/ Danielle J. Barraza

Danielle J. Barraza, Esq.
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Las Vegas, NV 89148
Attorney for Plaintiff Cuiting Wei

DATED this 26th day of June, 2023.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
P.C.

/s/ Michelle C. Krakora

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ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

July 24, 2023

DATED